

* Application No. 10/025,428

Amendment dated July 20, 2004

Response to Office Action dated April 21, 2004

REMARKS

Applicants have carefully reviewed the Office Action mailed on April 21, 2004. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 13-14, 16, 29-30, 32, and 33 are amended. Claims 40 and 41 are newly presented. Claims 1-41 remain pending.

Claims 1-39 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, has possession of the claimed invention. The Examiner indicated that there is no disclosure that supports attaching the polymeric member to the core *shaft* 26. Applicants respectfully disagree. The specification clearly discloses a hypotube 22 (capable of meeting the limitation "core shaft"), a polymeric member attached to this core shaft, and a core *wire* 26 extending through the core shaft. In the spirit of furthering prosecution, however, independent claims 1, 16, and 33 are amended so that each recite "shaft" instead of "core shaft". Claims 13-14 and 29-30 are amended so as to use language that corresponds to amended claims 1 and 16, respectively. Collectively, the amendments to claims 1, 13-14, 16, 29-30, and 33 render this rejection moot.

Claims 1-12, 16-28, 32-35, and 37-39 are rejected under 35 U.S.C. §102(b) as being anticipated by Lee et al. in U.S. Patent No. 6,059,815. Regarding claims 1-12, amended claim 1 now recites that the polymeric member is non-releasably attached to the shaft and that the polymeric member remains attached to the shaft upon activation of the heating source. Lee et al. teach that tubing 52 is releasably attached to guide wire 53. This fact is explicitly taught at column 6, line 63 through column 7, line 11 of Lee et al. Therefore, Lee et al. cannot anticipate a polymeric member that is non-releasably attached to a shaft as recited in amended claim 1. Accordingly, amended claim 1 as well as dependent claims 2-12 are believed to be distinguishable from Lee et al.

Regarding claims 16-28, amended claim 16 similarly recites a polymeric member that is non-releasably attached to the shaft. As mentioned above, this structural limitation is not taught or disclosed by Lee et al. Accordingly, amended claim 16 as well as dependent claims 17-28 are similarly distinguishable from Lee et al.

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Regarding claim 32, amended claim 32 similarly recites a polymeric member that is non-releasably attached to the shaft. As mentioned above, this structural limitation is not taught or disclosed by Lee et al. Accordingly, amended claim 32 is similarly distinguishable from Lee et al.

Regarding claims 33-35 and 37-39, amended claim 33 similarly recites a polymeric member that is non-releasably attached to the shaft. As mentioned above, this structural limitation is not taught or disclosed by Lee et al. Accordingly, amended claim 33 as well as dependent claims 34-35 and 37-39 are similarly distinguishable from Lee et al.

Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al. As described above, amended claim 33 is believed to be distinguishable from Lee et al. Because claim 36 depends from patentable claim 33, it is also allowable at least because of the aforementioned amendment and because it adds significant elements to distinguish it from the art.

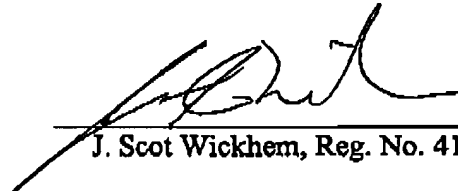
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

STEPHEN GRIFFIN et al.

By their Attorney,

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